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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 Waymo LLC,

12 Plaintiff,

13 v.

14 Uber Technologies, Inc.; Ottomotto LLC; Otto
15 Trucking LLC,

16 Defendants.

Case No. 3:17-cv-00939-WHA

**JOINT STIPULATION REGARDING
DEPOSITIONS RELATING TO ORDER
RE: OTTO TRUCKING'S MOTION TO
COMPEL FURTHER INFORMATION
REGARDING WAYMO'S FORENSIC
INVESTIGATION; [PROPOSED] ORDER**

Judge: Hon. Jacqueline Scott Corley

1 WHEREAS on August 15, 2017, Judge Alsup entered an Order Clarifying Judge Corley's
2 Authority to Set Depositions (the "Order") (Dkt. 1208), stating that Judge Corley has the authority
3 to order additional depositions after the discovery cut-off date, August 24 (*see* Dkt. 1208);

4 WHEREAS, on August 18, 2017, Judge Corley issued an Order Re: Otto Trucking's
5 Motion to Compel Further Information Regarding Waymo's Forensic Investigation. (*see* Dkt.
6 1272, the "Order"));

7 WHEREAS, Waymo is in the process of reviewing and producing documents implicated
8 by the Order, and Otto Trucking has requested to schedule any further deposition(s) for a mutually
9 agreeable time after the complete production of such documents;

10 WHEREAS, Waymo does not object to Otto Trucking's request, but the parties expect that
11 this may mean that one or more depositions will need to be completed after the close of fact
12 discovery on August 24;

13 WHEREAS, Otto Trucking believes that the impacted depositions, and documents that
14 may be produced as a result of Judge Corley's Order may also impact certain expert reports;

15 WHEREAS, the current date for opening expert reports is August 24;

16 WHEREAS, as a result of the Order, Otto Trucking has served a subpoena for documents
17 and testimony on the law firm of Keker Van Nest & Peters LLP ("KVP") and wants to serve a
18 subpoena for testimony on an individual attorney at KVP;

19 WHEREAS, the return date for the KVP subpoena is August 24;

20 WHEREAS, KVP and Waymo have informed the Special Master that they intend to move
21 to quash the KVP subpoena, including any attempt to subpoena individual KVP attorneys;

22 WHEREFORE, the parties hereby stipulate and agree as follows:

- 23 1. Waymo will produce responsive documents implicated by the Order by August 24,
24 2017.
- 25 2. The parties will promptly request a briefing schedule from the Special Master for the
26 motions to quash to be filed by KVP and Waymo.
- 27 3. Any depositions relating to the investigation at issue in the Order, whether agreed-to by
28 the parties or ordered by the Court, may be taken on mutually agreed-upon dates after

August 24 but in no event later than September 7, unless otherwise authorized by a further Court order.

4. The parties wish to reserve all rights with respect to supplementation of opening expert reports, or objections thereto, based on depositions and/or documents that may be produced as a result of the Order.
5. Otto Trucking reserves its right to move to compel production of any documents or answers to deposition questions that it believes are implicated by the Order and withheld by Waymo, and Waymo reserves its right to object to such motion.

Dated: August 23, 2017

Respectfully submitted,

By: /s/ Neel Chatterjee
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Dated: August 23, 2017

Respectfully submitted,

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Dated: August 23, 2017

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Uber Technologies, Inc. and Ottomotto LLC

[PROPOSED ORDER]

Having considered the parties' Joint Stipulation regarding Depositions After Discovery Cut-Off, and good cause appearing, the Court grants the stipulation, and ORDERS that depositions agreed-to by the parties or ordered by the Court may be taken after August 24, 2017, but before September 7, 2017, and will occur on mutually agreeable dates after Waymo produces the documents relating to the investigation at issue in the Court's Order Re: Otto Trucking's Motion to Compel Further Information Regarding Waymo's Forensic Investigation. (Dkt. 1272).

IT IS SO ORDERED.

Dated: _____, 2017

HONORABLE JACQUELINE SCOTT CORLEY
United States District Judge

ATTORNEY ATTESTATION

I hereby attest, pursuant to Local Rule 5-1(i)(3), that I obtained the concurrence in the filing of this document from the signatories indicated by the conformed (/s/) of Charles K. Verhoeven and Arturo J. Gonzalez.

/s/ Neel Chatterjee
NEEL CHATTERJEE

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on August 23, 2017. I further certify that all participants in the case are registered CM/ECF users and that service of the Declaration, including all public and redacted exhibits attached hereto, will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 23rd day of August 2017.

/s/ Neel Chatterjee
Neel Chatterjee